IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21843 of 1997

Between:

Sayed Dasthagiri Pasha, S/o.Murshed Pasha,
Islamla Junior College, Hanumakonda, R/o.H.No.6-6-14/B,
Near Thousand Pillers Temples, Hanumakonda, Warrangal District.

..... PETITIONER

AND

Osmania University, Rep.by its Registrar,
Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ, 1) directing the Osmania University to produce records before this Hon'ble Court relating to the number of posts it so far reserved for physically handicapped candidates in respect of Lecturers, Readers and professors. 2) directing the Osmania University to strictly follow the reservation for physically handicapped candidates whenever the appointments are made 3) directing the Osmania University to Strictly follow the reservation for physically handicapped candidates for all the posts (including those of Economics) to be recruited in response to the Advertisement No.2/96 and 3/96 dt.25-03-1996 4) directing the Osmania University to take into consideration the age of the candidates which they had when they 1st applied in response to the Advertisement No.1/93, dt.21-01-1993 since the present notification dt.25-03-1996 is the continuation of the Advertisement No.1/93, dt.21-01-1993, when the present posts in question first arose. 5) directing

the Osmania University to announce the third post of Reader in Economics as per the notification dt.12-07-1993, 6) directing the O.U to reserve one post or posts for physically handicapped candidates 7) directing the Osmania University to interview the petitioner for the post of Reader in Economics under the physically handicapped quota and pass such other or further order or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.N.GURUGOPAL & S.R.SANKU

Counsel for the Respondent : MR.DEEPAK BHATTACHARJEE

The Court made the following :

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ORDER:

Heard Mr. S.R. Sanku, learned counsel appearing for the petitioner and also Sri Deepak Bhattacharyajee, learned Standing Counsel appearing on behalf of the respondents.

Petitioner herein, who has been working as Lecturar at the relevant point of time at Hanumakonda, Warangal District, files this Writ Petition, inter alia, for Mandamus seeking for implementation of reservation to the Physically Handicapped Candidates in respect of lecturers, Readers and Professors in terms of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

The case of the petitioner in short is that though the respondent-University had issued three notifications on three occasions i.e. on 24.2.1992, 12.7.1993 and 25.3.1996 and the same were cancelled in spite of the fact that the petitioner did make an application in terms thereof. Ultimately, a fresh notification was issued on 25th March 1996, to which the petitioner made an application as the petitioner also happened to be a physically handicapped person having suffered with polio. Further, it is also his case that he is fully qualified and therefore, he is entitled to promotion as Reader in Economics. Even though the petitioner also appeared for the interview, he was not selected and according to him in fact no reservation has been made to the physically handicapped candidates as provided for under the aforesaid Act.

Having regard to the fact that no such reservation is provided to the petitioner and he has lost the opportunity, further action on the part of the University need not provide such a reservation, is also in the teeth of mandate as contemplated under the above said Act. It is seen from the docket that this Writ Petition has been filed on Second September 1997 and the matter has been coming up on various occasions but could not proceed with and ultimately in pursuant to the very pathetic letter written by the petitioner himself on 3.2.2005, the matter is directed to be posted and today the matter is being heard. However, it is now represented by the counsel for the petitioner that the petitioner has in fact retired in the year 2001 itself. In view of the same, though the petitioner has raised substantial question as to the very exigency to make a provision for reservation, in terms of the above said Act and the inaction on the part of the University, all these questions become a mute questions and purely academic, no relief as such, can be granted at this late hour, especially when the petitioner has already retired form service.

Accordingly, the Writ Petition is dismissed leaving it open to go into such questions in an appropriate case and also further observing that the University

would certainly keep in view the provisions of the said Act and provide necessary opportunities to all the posts as provided therein. No costs.

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B. PRAKASH RAO, J

DATED: 16.02.2005

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To

1. Osmania University, Rep.by its Registrar,
   Hyderabad.

2. 2 CD copies.